

***John Heykoop dba Eagle Towing v Michigan State Police, et al***

**USDC-WD No: 1:18-cv-00632**

**Honorable Robert J. Jonker**

**Magistrate Judge Phillip J. Green**

## **EXHIBIT 5**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

-----  
JOHN HEYKOOP doing business as  
EAGLE TOWING,

Plaintiff,

-vs-

MICHIGAN STATE POLICE, DAVID  
ROESLER, JEFFREY WHITE, and  
CHRIS McINTIRE,

Defendants.  
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) No. 1:18-cv-00632  
) Judge Jonker  
) Mag. Green  
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)  
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D E P O S I T I O N

of JOHN HEYKOOP, the Plaintiff called by  
Defendants, taken before Tamara Staley Heckaman,  
Certified Shorthand Reporter and Notary Public, at  
4151 Okemos Road, Okemos, Michigan, on Thursday,  
March 7, 2019, set for the hour of 3:00 p.m.

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## APPEARANCES:

FAHEY SCHULTZ BURZYCH RHODES, PLC  
4151 Okemos Road  
Okemos, Michigan 48864  
By  
JOHN SEAMUS BRENNAN, J.D.

On behalf of Plaintiff.

MICHIGAN DEPARTMENT OF ATTORNEY GENERAL  
Complex Litigation Division  
P.O. Box 30736  
Lansing, Michigan 48909  
By  
PATRICK S. MYERS, J.D.  
On behalf of Defendants.  
Also Present: Andrew Heykoop

## EXAMINATION INDEX

ATTORNEY'S NAME EXAMINATION RE-EXAMINATION  
BY MR. MYERS: 3

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Okemos, Michigan  
Thursday, March 7, 2019  
2:56 p.m.

## R E C O R D

JOHN HEYKOOP,

having been duly sworn, testified as follows:

## EXAMINATION

BY MR. MYERS:

Q. Good afternoon. My name is Patrick Myers. I represent Lieutenants White and -- Jeff White and Chris McIntire in the case of Heykoop versus White, case number 18-cv-632, in the Western District of Michigan. By agreement of the parties this deposition was adjourned from February 28th, 2019.

Could you please state your full name and spell your last name for the court reporter?

A. John Edward Heykoop, H-e-y-k-o-o-p.

Q. Mr. Heykoop, have you ever had your deposition taken before?

A. Yes.

Q. You have, okay. So you know how it works. You're under oath. Just make sure all of your answers are verbal instead of nodding or

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shaking your head. If you don't understand a question please let me know and I'll try and rephrase it, and if you need a break at any time just let me know and we can take as many breaks as you want.

Just so that we have some of your background, where did you grow up?

A. Where was I born?

Q. Sure.

A. Born in Muncie, Indiana.

Q. And did you grow up in Indiana?

A. Seven years old moved to Michigan.

Q. What was the highest level of education you completed?

A. High school.

Q. High school, and where was that?

A. Shelby, Michigan.

Q. Shelby, Michigan. Did you serve in the military?

A. No, sir.

Q. Have you ever been convicted of a crime?

A. No, sir.

Q. Are you the sole owner of Eagle Towing?

A. I am.

Q. And how long have you owned Eagle Towing?

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A. I'm going to say around ten years but I'm not positive.

Q. And what are your current responsibilities with regard to Eagle Towing?

A. What do you mean by that?

Q. What do you do just day-to-day with regard to the company? Do you -- are you running the day-to-day operations?

A. No.

Q. Who runs the day-to-day operations?

A. My son Andrew.

Q. Are you in charge of making the big decisions in the company?

A. It depends on what you call big decisions. I mean, I'm not there sometimes, I'm out in Arizona, so he takes care of a lot of stuff.

Q. How many employees does Eagle Towing employ?

A. I think four full time.

Q. Four drivers or support staff?

A. Yeah, four full time and then we've got two or three guys that help us out at call-in, you know, son-in-law and some people.

Q. Do you own any other companies?

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1 the back has road service, towing, jump starts.  
 2 Q. Are you aware of any other fee schedules?  
 3 A. No.  
 4 Q. Does Eagle Towing charge the same rates  
 5 for drivers that have insurance and drivers that  
 6 don't have insurance?  
 7 A. No, I think somebody that doesn't have  
 8 insurance gets charged less.  
 9 Q. Do you know what they get charged?  
 10 A. No, I don't.  
 11 Q. Is it on the -- is it on that -- in that  
 12 document?  
 13 A. I don't see where it says it. But most  
 14 of that will be like a car and this is saying  
 15 heavy duty here, so I don't think there's -- that  
 16 that would apply to what we're talking about, the  
 17 heavy duty, because that's car accidents and  
 18 that's not done with heavy duty for the ones that  
 19 don't have insurance.  
 20 Q. Could you describe the difference between  
 21 heavy duty and light duty?  
 22 A. Well, heavy duty is the semi wrecker and  
 23 light duty will be the little wrecker.  
 24 Q. So different rates depending on the size  
 25 of the wrecker --

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1 A. Correct.  
 2 Q. -- is what you're telling me?  
 3 A. Correct, correct.  
 4 Q. To your knowledge how long was Eagle  
 5 Towing on the Michigan State Police Hart and  
 6 Rockford posts no-preference wrecker rotation  
 7 lists?  
 8 A. Okay. Now, I've been towing for -- since  
 9 1981. Started out under the name Heykoop's Towing  
 10 and then somewhere in the -- and I'm not good at,  
 11 you know, dates. I'm just -- somewhere in the  
 12 middle, back just before we got Eagle, I quit  
 13 towing for like a couple years and was going to  
 14 get out of it, and that's when he come along and  
 15 started doing it. So back since '81 I've been  
 16 towing for Michigan State Police. I think '81  
 17 is...  
 18 Q. When you say he came along do you mean  
 19 Andrew Heykoop?  
 20 A. My son, yeah, yeah.  
 21 Q. Do you remember what year he started  
 22 working?  
 23 A. Can I ask him something like that or not  
 24 because I honestly don't know? I've got memory  
 25 problems. I'm -- you know, I --

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1 MR. BRENNAN: He's going to take his  
 2 deposition so let him answer, and if you don't  
 3 know you don't know.  
 4 BY MR. MYERS:  
 5 Q. Yeah, if you don't --  
 6 A. I mean, I'm not -- I don't want you to  
 7 think I'm running you in circles because I'm  
 8 really not because I -- my memory is not good  
 9 especially with times. You know, I've got -- you  
 10 know, I know what happened, you know, two years in  
 11 there and --  
 12 Q. That's fine.  
 13 A. I'm going to guess that -- well, he's  
 14 30 -- do you want me to try to figure out when  
 15 he --  
 16 Q. Oh, no.  
 17 A. -- started working there?  
 18 Q. No, if you don't know I'll take an I  
 19 don't know.  
 20 A. I really don't.  
 21 Q. I can just ask him so no problem.  
 22 A. Okay.  
 23 Q. Do you -- is Eagle Towing on any other  
 24 lawn enforcement agency's no-preference list?  
 25 A. As of right now?

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1 Q. As of right now.  
 2 A. Yes, Rothbury, New Era, Shelby. I think  
 3 that's it right now.  
 4 Q. Those are the county sheriff's  
 5 no-preference lists; is that what you're telling  
 6 me?  
 7 A. No, the ones I told you were cities.  
 8 Q. Cities, okay.  
 9 A. Cities is --  
 10 Q. In that county?  
 11 A. In Oceana County.  
 12 Q. Okay. Do you know what percentage of  
 13 Eagle Towing's tows just say in an average month  
 14 come -- would have come from that Michigan State  
 15 Police no-preference list?  
 16 A. I really don't know. I'd be -- yeah.  
 17 MR. BRENNAN: As an aside, when we  
 18 dig into that I will be supplementing our  
 19 discovery responses to tell you what the answer to  
 20 that is so...  
 21 MR. MYERS: Okay.  
 22 MR. BRENNAN: We're not -- we can't  
 23 hide that ball if we wanted to so -- but I don't  
 24 want to and I just -- we have -- we're trying not  
 25 to do as much work as we can thinking that there

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1 BY MR. MYERS:  
 2 Q. Is that your signature in the middle of  
 3 the page?  
 4 A. It is.  
 5 Q. Okay. Do you remember answering these  
 6 questions?  
 7 A. Yes.  
 8 Q. In your answer to interrogatory number  
 9 five you stated that you contacted --  
 10 MR. BRENNAN: This is the response.  
 11 BY MR. MYERS:  
 12 Q. That you contacted Shelby administrator  
 13 Chelsea Stratil about Shelby police chief Robert  
 14 Wilson's misconduct?  
 15 A. That's correct.  
 16 Q. Do you remember when that was?  
 17 A. No, I don't.  
 18 Q. Do you remember how you contacted her?  
 19 A. I was talking to her in the office.  
 20 Q. Which office is that?  
 21 A. In the Village of Shelby's office.  
 22 Q. So you were talking to her in person?  
 23 A. Correct.  
 24 Q. So she knew that it was you making the  
 25 complaint?

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1 A. That's correct.  
 2 Q. What did you tell her?  
 3 A. Well, I was upset that Bob Wilson  
 4 wouldn't do my salvage vehicle inspections, so she  
 5 was new at that time so I told her that I was  
 6 upset he wouldn't do my vehicle inspections. And  
 7 she said what are you talking about? The Village  
 8 of Shelby don't do vehicle inspections.  
 9 She wasn't aware of it because he  
 10 wasn't running them through the office. He was  
 11 running them through himself. And so when she got  
 12 looking into it she found out that he'd done like  
 13 700 of them or something that -- so then she  
 14 contacted I think the state police after that.  
 15 Q. So you were aware of Chief Wilson's  
 16 actions through your personal dealings with him?  
 17 A. Correct.  
 18 Q. Did you talk to Lieutenant White about  
 19 Chief Wilson?  
 20 A. No.  
 21 Q. Did you talk to Lieutenant McIntire about  
 22 Chief Wilson?  
 23 A. No.  
 24 Q. Did you ask Ms. Stratil to contact  
 25 Lieutenant White or Lieutenant McIntire?

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1 A. No.  
 2 Q. Did you ask her to pass that complaint on  
 3 to anyone?  
 4 A. I don't think so. I'm not sure how it  
 5 went. We got talking and I think she -- she  
 6 realized that she had to do something about it.  
 7 She knew about it and then...  
 8 Q. If you'd go back for a minute, you said  
 9 you also own Quinn's Towing, correct?  
 10 A. Correct.  
 11 Q. Is Quinn's Towing on any MSP Michigan  
 12 State Police no-preference lists?  
 13 A. It is.  
 14 Q. And which posts -- post list is it on?  
 15 A. Be the Hart, Mason County, one I believe.  
 16 Q. Is Quinn's Towing on any local law  
 17 enforcement agencies no-preference list?  
 18 A. City of Ludington.  
 19 Q. Okay.  
 20 A. Manis- -- or Scottville too I think.  
 21 MR. MYERS: Would you mark this for  
 22 me, please?  
 23 (Whereupon Deposition Exhibit  
 24 No. 4 marked for identification.)  
 25 BY MR. MYERS:

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1 Q. I'm handing you what's been marked as  
 2 Exhibit 4. I believe earlier you testified that  
 3 you did not -- you weren't aware of any complaints  
 4 against Eagle Towing; is that correct?  
 5 A. Since the one of the lady with the  
 6 car-deer accident.  
 7 Q. Okay. Have you seen those documents  
 8 before?  
 9 A. No.  
 10 Q. So the first page is an e-mail from the  
 11 director of the 911 board to Andrew, your son  
 12 Andrew. Did he tell you about that exchange?  
 13 A. Let's see which one it's about. Oh, this  
 14 e-mail? I don't believe it. Are you talking this  
 15 back here?  
 16 Q. I believe the e-mail is referencing the  
 17 complaint.  
 18 A. Let me read it real quick, then I'll know  
 19 if he told me or not. Yes, I was aware of this  
 20 one.  
 21 Q. Did Andrew tell you about that?  
 22 A. Yes.  
 23 Q. What did he tell you?  
 24 A. That he called and was asking questions  
 25 and called some of our employees and was asking